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NASA Procedural Requirements

COMPLIANCE IS MANDATORY

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Subject: Industrial Labor Relations Manual (Revalidated May 31, 2007 with admin. changes)

Responsible Office: Logistics Management Division

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Chapter 3: Guidelines for Construction Contractor Labor-Management Disputes

3.1. General

3.1.1. Construction labor agreements are usually negotiated by contractor employer associations, whereas the industrial labor agreements are usually negotiated by the individual local industrial contractor. Therefore, it is recognized that the small, local construction contractor would have little influence or involvement in disputes concerning labor contract negotiations.

3.1.2. Labor disputes, including strikes and picketing outside of labor contract negotiations, are quite prevalent in the construction industry. Frequently, such disputes result from the usage of a nonunion contractor, disciplinary actions, work rules, or jurisdictional issues. Many times such disputes are of a short duration and do not involve the use of pickets.

3.2. Data Requirements:

For all construction contractors at each NASA Center, the following data should be compiled and kept current at all times:

- The expiration date of each building and construction trades labor agreement.
- The employer association responsible for negotiating each agreement, including the names of any local employer representatives who take part in negotiations.
- The names, addresses, and telephone numbers of local building trades business agents.
- A current copy of each building and construction trades labor agreement.

3.3. Construction Labor Contract Negotiations:

In the event that disputes arise in construction labor contract negotiations where picketing is anticipated, the procedures set forth for industrial unions will be utilized. See paragraph 2.3. and Chapter 4, Reserve Gate Procedure.

3.4. Procedures for Construction Disputes Outside of Labor Contract Negotiations:

The following actions are to be taken in the event of a construction contractor labor dispute outside of contract

negotiations:

- Contact the construction contractor(s) involved and obtain a detailed account of the facts concerning the dispute. In most cases, contact with local or other union officials is not to be made without prior concurrence of the Agency Contractor Industrial Relations Office, unless the NASA Center employs a full-time Contractor Labor Relations Officer.
- Advise NASA Contractor Industrial Relations Officer at Headquarters of the dispute.
- In the event of a work stoppage in which picketing is imminent or has taken place, the "reserve gate" procedure (chapter 4) is to be implemented with the following exceptions:
 - Only the struck contractor and its suppliers will be required to use the reserve gate. If the struck contractor is a prime contractor, the subcontractors will not be required to use the reserve gate; they are considered neutral contractors even though they are a subcontractor to the effected prime contractor.
 - Reserve gate letters should be prepared by the NASA Center Contractor Labor Relations and Chief Counsel's Offices in accordance with Appendix D and should be coordinated with the Contractor Industrial Relations Officer at Headquarters and the Office of General Counsel prior to being issued.
 - When disputes arise from the use of a nonunion contractor at a work site and picketing is expected, the "reserve gate" procedure should not be implemented unless it is determined that such picketing would have an extreme impact on critical programs. In most cases relative to these circumstances, an injunction may be obtained to prohibit picketing at all gate locations, provided that a secondary boycott exists. Normally, extensive discussions among the Contractor Industrial Relations Office, the Office of General Counsel, and the NASA Center representatives will take place before the initiation of any legal action.

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